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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,459	03/06/2002	Yoshinobu Hara	108426-00014	6923
4372 7590 04/18/2008 ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER NELSON, FREDA ANN	
			ART UNIT	PAPER NUMBER
			3628	
			NOTIFICATION DATE	DELIVERY MODE
			04/18/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

<b>Application No.</b>	<b>Applicant(s)</b> HARA ET AL.	
<b>Examiner</b> FRED A. NELSON	<b>Art Unit</b> 3628	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-12.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689

Continuation of 13. Other: In response to Applicant's argument in regards to claims 1 and 7, none of the applied references, alone or in combination, disclose or suggest an automatic price correcting system, and associated method, that includes a standard specifications table for storing standard specifications of an article, means for sending to a plurality of sellers a screen for inputting a bidding price, a bidding price storing section for storing bidding prices input by the plurality of sellers, a correction table for storing unit prices for respective items of the specifications, means for sending to the buyer a screen for inputting changes in the specifications, a control device adapted to obtain a difference between the standard specifications of the article and the changed specifications of the article for each item of the changed specifications, means for converting the difference into a correction value of price, means for calculating a total of correction values, and means for correcting the standard price, wherein the control device is adapted to provide for the buyer a specifications change inputting screen for inputting changes in the specifications, to calculate a corrected standard price in response to changed specifications input through the specifications change inputting screen, and to present the corrected standard price to the buyer, as recited in independent claim 1, and similarly recited in independent claim 7, the examiner respectfully disagrees. McMahon et al. disclose an automatic price correcting system in which, connected with a buyer's computer and a seller's computer, for correcting a standard price of the article which has been presented by the seller based on a specification of the article, according to changes in the, the specifications having a plurality of items, the system comprising: a standard specifications table for storing specifications presented by the buyer (paragraph [0010]); a correction table for storing information required to correct the standard price of the article, presented by the seller (paragraph [0074]); and means for sending to the buyer's computer a screen for inputting changes in the specification for the standard specifications (abstract); a control device adapted to convert difference between the specifications of the article stored in the standard specifications table and changed specifications of the article, into a correction value of price, through means of referring to the correction table, when the specifications of the article are changed and to correct the standard price, e stored in the standard price storing section using the correction value of price and to send the corrected standard price to the computer of the buyer (FIGS. 4b and 6c). However, Thompson et al. disclose a Pricing Engine module could be added to the configuration system to generate pricing and cost information for individual products, components, projects, etc. both on a real-time, on-going basis, as the user interacts with the system, and also to provide total (or sub-total) pricing data for the configured product or project; and the Pricing Engine may include bid and quote generation functionality to facilitate the production and transmission of bid/quotes by users to their ultimate customers (col. 18, lines 41-56; FIGS. 7, 13 and 23). Thompson et al. does not explicitly disclose selecting a seller, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a seller or winner of a bid would be selected. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Thompson et al. to include the selection feature to enable a buyer to select a seller. Thompson et al. further disclose the utilization of data tables and formulas to look up, calculate and store base prices 50 plus add-on prices 52 of available product options; and the total price 53 can include project-based price adjustments if applicable. Pricing of products utilizes a combination of values accessed from a table and enhanced by formulas, which calculate up charges, add-ons and other product options, wherein these methodologies allow the lookup, calculation and storage of unit base prices 50 plus prices 52 for all applicable product features and add-ons; and project-based price adjustments are also available for customer discounts, promotions and competitive bidding situations (col. 12, lines 21-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of McMahon to include the feature of Thompson et al. resulting in the prediction of a system which provides the user the option of bidding for a configured product.

In response to Applicant's argument that McMahon does not disclose a control device adapted to obtain in a difference between the standard specifications of the article and the changed specifications of the article for each item of the changed specifications, the examiner respectfully disagrees. FIG. 6c, which shows a subtotal calculation for the body of a truck, also shows the total price for the configured truck consisting of the chassis and the body ([0074]). The examiner interprets this to mean that each item is included in the subtotal.